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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Afghanistan, Albania, Andorra, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Croatia, Jordan, Kuwait, Kyrgyzstan, Malaysia, Morocco, Pakistan, Qatar, San Marino, Saudi Arabia, Turkey, United Arab Emirates and United States of America: draft resolution

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[1] the International Covenants on Human Rights,[2] and other human rights instruments,

Taking note with concern of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro), which describe the continuing grave human rights situation in Kosovo,

Noting with regret that a memorandum of understanding on the education system in Kosovo signed in 1996 has not yet been implemented, and calling for full and immediate implementation of that memorandum,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

Noting with concern the use of force by Serbian police against peaceful Kosovo Albanian students protesters on 1 October 1997, and the failure of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to make reasonable accommodation to address the students' legitimate grievances,

1. Expresses its deep concern about all violations of human rights and fundamental freedoms in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against it, as well as acts of violence in Kosovo;

2. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial, and the practice of torture and other cruel, inhuman or degrading treatments, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) To release all political prisoners, and cease the persecution of political leaders and members of local human rights organizations;

(c) To allow the return in safety and dignity of Albanian refugees from Kosovo to their homes;

(d) To allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(e) To allow the reopening of educational, cultural and scientific institutions of ethnic Albanians;

3. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue constructive dialogue with the representatives of ethnic Albanians of Kosovo;

4. Welcomes the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights in the Territory of former Yugoslavia and her relevant reports, and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to that matter in her reporting;

5. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, as called for in Security Council resolution 855 (1993) of 9 August 1993;

6. Welcomes the report of the Secretary-General on the situation of human rights in Kosovo,[1] submitted pursuant to Assembly resolution 51/111 of 12 December 1996, and requests him to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations to establish an adequate international monitoring presence in Kosovo, and to report thereon to the General Assembly at its fifty-third session;

7. Encourages the Secretary-General to pursue his humanitarian efforts in former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, and other appropriate humanitarian organizations with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, and to assist in the voluntary return of displaced persons to their homes in conditions of safety and dignity;

8. Emphasizes the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) being in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

9. Also emphasizes that improvements in the promotion and protection of human rights and fundamental freedoms in Kosovo will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

10. Decides to continue the examination of the situation of human rights in Kosovo at its fifty-third session under the item entitled "Human rights questions".

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[1] A/52/502.